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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,087	10/04/1999	GARY L. BURGE	1355-171C	9198
8698	7590	08/11/2004	EXAMINER	
STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			YOUNG, JOHN L	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,087

Applicant(s)

BURGE ET AL.

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

NON-FINAL REJECTION

DRAWINGS

1. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

A prior Office action recites the substance of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action.

2. Claims 1-20 are rejected under 35 U.S.C. §103(a) as being obvious over Jovicic 5,855,007 (Dec. 29, 1998) (herein referred to as ("Jovicic").

As per independent claim 1, Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) explicitly teaches an "*electronic coupon*." In this case the Examiner interprets this disclosure as showing "content data selected according to . . . electronic profile data to create a computer display. . . ." In other words, the claim language of the

instant application is so broad that it is inclusive of marketing advertisements displayed in any electronic coupon format.

Jovicic (FIG. 6) shows “*USER INPUT DEMOGRAPHIC DATA*.”

Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) shows “A system for customizing displays, comprising: electronic user profile data comprising on-line behavior data and personal data; content data from a plurality of content providers, said content data selected according to said electronic profile data to create a computer display; a plurality of model parameters identifying display characteristics including elements for said computer display comprising said content data; a plurality of actual display characteristics selected independently of said content data in accordance with said electronic user profile data and said plurality of model parameters; and a display comprising said actual display characteristics and said content data from said plurality of content providers wherein said display is unique to a user with said electronic user profile data based on said actual display characteristics and said content data from said plurality of content providers.”

Jovicic lacks an explicit recitation of “content data selected according to . . . electronic profile data to create a computer display. . . .” even though Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 5; and FIG. 6) implicitly shows same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4;

FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows “content data selected according to . . . electronic profile data to create a computer display. . . .” and it would have been obvious to modify and interpret the disclosure of Jovicic cited above as showing “content data selected according to . . . electronic profile data to create a computer display. . . .” because modification and interpretation of the cited disclosure of Jovicic would have provided “*a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet, . . .*” (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic “*whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .*” (see Jovicic (col. 2, ll. 20-40)).

As per claims 2-5, Jovicic shows the method of claim 1.

Jovicic (FIG. 6) shows “*USER INPUT DEMOGRAPHIC DATA.*”

Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows all of the elements and limitations of claims 2-5.

Jovicic lacks an explicit recitation of some of the elements and limitations of claims 2-5, even though Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col.

7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 2-5 were well known and expected in the art at the time of the invention (e.g., see U. S. patents: 4,896,791 to Smith; 6,327,574 to Kramer; and 4,974,878 to Josephson which show customized computer displays of content based on consumer profiles). It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows the elements and limitations of claims 2-5, and it would have been obvious to modify and interpret the disclosure of Jovicic cited above as showing the elements and limitations of claims 2-5 because modification and interpretation of the cited disclosure of Jovicic would have provided “a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet, . . .” (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic “whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .” (see Jovicic (col. 2, ll. 20-40)).

Independent claim 6 is rejected for substantially the same reasons as independent claim 1.

As per claims 7-10, Jovicic shows the method of claim 6.

Jovicic (FIG. 6) shows "*USER INPUT DEMOGRAPHIC DATA*."

Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows all of the elements and limitations of claims 7-10.

Jovicic lacks an explicit recitation of some of the elements and limitations of claims 7-10, even though Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 7-10 were well known and expected in the art at the time of the invention (e.g., see U. S. patents: 4,896,791 to Smith; 6,327,574 to Kramer; and 4,974,878 to Josephson which show customized computer displays of content based on consumer profiles). It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows the elements and limitations of claims 7-10, and it would have been obvious to modify and interpret the disclosure of

Jovicic cited above as showing the elements and limitations of claims 7-10 because modification and interpretation of the cited disclosure of Jovicic would have provided “a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet, . . .” (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic “whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .” (see Jovicic (col. 2, ll. 20-40)).

Independent claim 11 is rejected for substantially the same reasons as independent claim 1.

As per claims 12-15, Jovicic shows the method of claim 11.

Jovicic (FIG. 6) shows “USER INPUT DEMOGRAPHIC DATA.”

Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows all of the elements and limitations of claims 12-15.

Jovicic lacks an explicit recitation of some of the elements and limitations of claims 12-15, even though Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 12-15 were well known and expected in the art at the time of the invention (e.g., see U. S. patents: 4,896,791 to Smith; 6,327,574 to Kramer; and 4,974,878 to Josephson which show customized computer displays of content based on consumer profiles). It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows the elements and limitations of claims 12-15, and it would have been obvious to modify and interpret the disclosure of Jovicic cited above as showing the elements and limitations of claims 12-15 because modification and interpretation of the cited disclosure of Jovicic would have provided “a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet, . . .” (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic “whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .” (see Jovicic (col. 2, ll. 20-40)).

Independent claim 16 is rejected for substantially the same reasons as independent claim 1.

As per claims 17-20, Jovicic shows the method of claim 16.

Jovicic (FIG. 6) shows "*USER INPUT DEMOGRAPHIC DATA*."

Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows all of the elements and limitations of claims 17-20.

Jovicic lacks an explicit recitation of some of the elements and limitations of claims 17-20, even though Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 17-20 were well known and expected in the art at the time of the invention (e.g., see U. S. patents: 4,896,791 to Smith; 6,327,574 to Kramer; and 4,974,878 to Josephson which show customized computer displays of content based on consumer profiles). It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows the elements and limitations of claims 17-20, and it would have been obvious to modify and interpret the disclosure of Jovicic cited above as showing the elements and limitations of claims 17-20 because modification and interpretation of the cited disclosure of Jovicic would have provided

“a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet, . . .” (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic *“whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .”* (see Jovicic (col. 2, ll. 20-40)).

RESPONSE TO ARGUMENTS

3. Applicant's arguments (filed 05/19/2004) concerning the rejections in the prior Office Action have been considered but are not persuasive for the following reasons: Applicant's arguments are moot pursuant to new grounds of rejection presented in this Office action.

CONCLUSION

4. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

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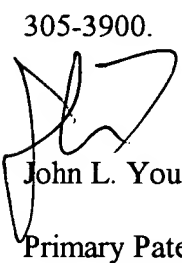
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)

305-3900.



John L. Young
Primary Patent Examiner



JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

August 5, 2004